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OLC 71-2007

17 November 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Messrs. Braswell, Woolsey, Ticer and Goldsmith, Senate Armed Services Committee staff, Regarding DCI Briefing.

1. In the discussion this afternoon on the above subject, the Committee staff offered several suggestions. They said the Chairman does not want the Director to volunteer any prepared statement regarding the intelligence community, but he should expect a number of questions on this subject--probably including the following:

- a. What powers does the new arrangement provide Dr. Kissinger that he did not have before?
- b. Will Dr. Kissinger exercise the final judgment regarding what intelligence estimates are submitted to the President and the NSC membership?
- c. If the Director is preoccupied with community matters, will General Cushman receive and carry out orders directly from Dr. Kissinger on matters concerning CIA?
- d. How much authority will the Director have over the community budget? Will it be advisory or command? If advisory, who will he advise--the heads of other agencies or OMB?
- e. How is it possible for the Director to carry out his responsibilities coordinating the community without delegating the running of CIA to his Deputy?
- f. Over what kinds of intelligence will the Director exercise his coordinating authority--national? strategic? tactical? departmental?

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g. What functions are being transferred from one organization to another under the new arrangements? Do these transfers require congressional review under the Executive Reorganization Act? (I was told in confidence that this problem has already arisen in connection with the establishment of a single Defense Map Agency called for in the White House announcement.)

h. Does the Director's new responsibility for preparing a consolidated intelligence program budget involve the transfer of responsibilities for the preparation of departmental intelligence budgets from other agencies to the DCI? (Note the wording "program budget," what is the legal significance of this?)

i. Has the Director studied the legal aspects of the National Security and Executive Reorganization Acts to ensure that none of the steps called for in the new plan violate these Acts?

2. It was suggested that we might want to coordinate with the Defense Department in connection with some of the above questions, since there are indications that the DOD has different views from those which Agency representatives have expressed.

3. It is suggested that the Director should point out that Dr. Kissinger, or his representatives, already participates in most of the functions called for in the White House announcement and that it might be well to make clear the distinction between USIB functions, which concern the operation of the intelligence community, and NSC functions, which concern the guidance and evaluation to the intelligence process supplied by the top level consumers.

4. The Director should expect questions regarding staffing out the new arrangements--who will select the staff personnel and to whom will they be responsible.

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5. Regarding questions which should be covered in the intelligence briefing, the staff suggests:

a. Soviet strategic weapons

ICBM: new silos, MIRVs, FOBs

SLBM: sub construction, new missiles

ABM: new radars and their orientation, testing
new systems

New strategic aircraft

Soviet defense budget

Soviet R&D budget (comment on
statements)

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b. China

Political situation

Strategic military developments

c. Middle East

d. Southeast Asia

Thailand--recent coup

North Vietnam--military potential, internal situation

e. India/Pakistan

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f. Cuba

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